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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,380	05/22/2006	Tapani Niemela	P06,0154	2558

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER	
PRICE, CRAIG JAMES	
ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/580,380	NIEMELA, TAPANI	
	Examiner	Art Unit	
	Craig Price	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 May 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/22/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 1, the leader line for reference number 11 and 6 are unclear as to which part they intend to describe. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Taneya et al. (US 2002/0148514).

Regarding claim 1, Taneya et al. disclose a coupling system “for transfer of an anaesthetic liquid from a bottle to a vaporizer”. Regarding "for transfer of an anaesthetic liquid from a bottle to a vaporizer ", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The coupling system comprising a bottle part (112) comprising a first valve with a first spring-loaded valve body (120) and a first reactive body (116), and a “vaporizer” part (12) comprising a second valve with a second spring-loaded valve body (26) and a second reactive body (20), the bottle part and the vaporizer part being connectable to each other, with the first reactive body arranged to act on the second spring-loaded valve body in an opening direction, and the second reactive body arranged to act on the first spring-loaded valve body in an opening direction, to provide a flow-path for the “anaesthetic” liquid. A seal (124) disposed between the first valve body and the first reactive body of the bottle part, and a further seal (42) disposed between the second

valve body and the second reactive body of the “vaporizer” part, the seal and the further seal being positioned, and the first and second reactive bodies being arranged to cause, when the bottle part and the vaporizer part are coupled together, the seal of the bottle part to abut sealingly against the second reactive body, and the further seal of the vaporizer part to abut sealingly against the first reactive body as shown in figure 1.

Regarding claim 2, Taneya et al. disclose that the distance between the seal and the further seal and the respective first and second reactive bodies have a distance therebetween that causes, when the bottle part and the vaporizer part are coupled together, the seal of the vaporizer part to first come into contact with the first reactive body, as shown in figure 5.

Regarding claim 3, Taneya et al. disclose that the first valve body has a recess therein (120a) as shown in figure 4.

Regarding claim 4, Taneya et al. disclose that the second reactive body has a protruding part, having a shape conforming to the recess.

Regarding method claims 5 -7, the device shown by Taneya et al. will perform the methods as recited in claims 5 -7, during normal operational use of the device, the method of making or using the device is inherent in using the apparatus.

4. Claims 1, 3 and 5 -7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobiasz (5,746,248).

Regarding claim 1, Tobiasz discloses a coupling system “for transfer of an anaesthetic liquid from a bottle to a vaporizer”. Regarding "for transfer of an anaesthetic liquid from a bottle to a vaporizer ", a recitation of the intended use of the claimed

invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The coupling system comprising a bottle part (20) comprising a first valve with a first spring-loaded valve body (12) and a first reactive body (11), and a "vaporizer" part (20) comprising a second valve with a second spring-loaded valve body (the retainer between 6 and 8) and a second reactive body (5), the bottle part and the vaporizer part being connectable to each other, with the first reactive body arranged to act on the second spring-loaded valve body in an opening direction, and the second reactive body arranged to act on the first spring-loaded valve body in an opening direction, to provide a flow-path for the "anaesthetic" liquid. A seal (13) disposed between the first valve body and the first reactive body of the bottle part, and a further seal (6) disposed between the second valve body and the second reactive body of the "vaporizer" part, the seal and the further seal being positioned, and the first and second reactive bodies being arranged to cause, when the bottle part and the vaporizer part are coupled together, the seal of the bottle part to abut sealingly against the second reactive body, and the further seal of the vaporizer part to abut sealingly against the first reactive body as shown in figure 2 and 3.

Regarding claim 3, Tobiasz discloses that the first valve body has a recess therein (shown at leader line 30) as shown in figure 3.

Regarding method claims 5 -7, the device shown by Tobiasz will perform the

methods as recited in claims 5 -7, during normal operational use of the device, the method of making or using the device is inherent in using the apparatus.

5. Claims 1, 2 and 4 -7 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al. (3,994,317).

Regarding claim 1, Miyazaki et al. disclose a coupling system “for transfer of an anaesthetic liquid from a bottle to a vaporizer”. Regarding "for transfer of an anaesthetic liquid from a bottle to a vaporizer ", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The coupling system comprising a bottle part (16,35) comprising a first valve with a first spring-loaded valve body (20) and a first reactive body (35), and a “vaporizer” part (50) comprising a second valve with a second spring-loaded valve body (66) and a second reactive body (60), the bottle part and the vaporizer part being connectable to each other, with the first reactive body arranged to act on the second spring-loaded valve body in an opening direction, and the second reactive body arranged to act on the first spring-loaded valve body in an opening direction, to provide a flow-path for the “anaesthetic” liquid. A seal (21) disposed between the first valve body and the first reactive body of the bottle part, and a further seal (on the end of 66 between 66 and 62 best shown in figure 2B) disposed between the second valve body and the second reactive body of the “vaporizer” part, the seal and the further seal being positioned, and the first and second reactive bodies being arranged to cause, when the bottle part and

the vaporizer part are coupled together, the seal of the bottle part to abut sealingly against the second reactive body, and the further seal of the vaporizer part to abut sealingly against the first reactive body as shown in figure 2 and 3.

Regarding claim 2, Miyazaki et al. disclose that the distance between the seal and the further seal and the respective first and second reactive bodies have a distance therebetween that causes, when the bottle part and the vaporizer part are coupled together, the seal of the vaporizer part to first come into contact with the first reactive body, as shown in figure 2A (Col. 4, Lns. 21-34).

Regarding claim 4, Miyazaki et al. discloses that the second reactive body has a protruding part (the end of 62), having a shape conforming to the recess.

Regarding method claims 5 -7, the device shown by Miyazaki et al. will perform the methods as recited in claims 5 -7, during normal operational use of the device, the method of making or using the device is inherent in using the apparatus.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Speth (2,319,015), Williams-Foxcroft (2,398,170), Hengst (2,451,218), Thomas (2,453,389), Thomas (2,471,798), Brock (2,505,093), Wurzburger (2,837,352), Fi9nk et al. (4,002,186), Brown et al. (4,327,770), Rodth (4,510,969), Uchida et al. (4,625,761), Remsberg (4,815,495), Granhtam (4,917,149), Marrison et al. (5,211,197), Allread et al. (5,406,980), Haunhorst (5,464,042), Harris et al. (5,694,991),

Wells et al. (5,709,243), deCler et al. (5,911,403), Ekman (5,996,624), Gydesen et al. (6,041,805) and Rose et al. (6,302,147) all disclose similar couplings.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP 21 February 2008 /John Rivell/
/C. P./ Primary Examiner, Art Unit 3753
Examiner, Art Unit 3753